

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/002,600 01/05/98 WUGOFSKI

T 450.224US1

LM01/0602

SCHWEGMAN LUNDBERG WOESSNER & KLUTH  
P O BOX 2938  
MINNEAPOLIS MN 55402

EXAMINER

ONUAKU, C

ART UNIT

PAPER NUMBER

2715

**DATE MAILED:**

06/02/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Advisory Action</b>	Application No. <b>09/002,600</b>	Applicant(s) <b>Wugofski</b>
	Examiner <b>Christopher Onuaku</b>	Group Art Unit <b>2715</b>

THE PERIOD FOR RESPONSE: [check only a) or b)]

- a)  expires 3 months from the mailing date of the final rejection.
- b)  expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- Appellant's Brief is due two months from the date of the Notice of Appeal filed on \_\_\_\_\_ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

**Applicant's response to the final rejection, filed on Feb 17, 2000 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:**

The proposed amendment(s):

- will be entered upon filing of a Notice of Appeal and an Appeal Brief.
- will not be entered because:
  - they raise new issues that would require further consideration and/or search. (See note below).
  - they raise the issue of new matter. (See note below).
  - they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
  - they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- Applicant's response has overcome the following rejection(s):

\_\_\_\_\_

\_\_\_\_\_

- Newly proposed or amended claims \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.

- The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:

\_\_\_\_\_

\_\_\_\_\_

- The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

- For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: \_\_\_\_\_

Claims objected to: \_\_\_\_\_

Claims rejected: 1, 2, 4-13, 15-17, 20, 21, 24, and 25

- The proposed drawing correction filed on \_\_\_\_\_  has  has not been approved by the Examiner.

- Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

- Other (See attached)

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***Response to Arguments***

1. Applicant's arguments filed 5/22/00 have been fully considered but they are not persuasive.

Applicant argues, with reference to claims 1-2,4-10&21 that Hoff says nothing about the second and third acts of receiving user input for a recording reminder signal and outputting a recording reminder at a time based on the recording reminder, and that Hoff has nothing at all that allows users to program a reminder for its scheduled recordings. Examiner disagrees. Hoff clearly discloses a user scheduling a program to be recorded in the future by the user entering, when prompted, the identification number of point to point receiver 46 that is to receive the programming information. Again, when prompted the user enters the program information, such as channel to be recorded, starting date and time, and ending time. Then depending upon the identification number of the point to point receiver 46, the clearing house 12 determines when a reserved time slot has been reached. If the time slot has not been reached, broadcast of the appropriate programming signal is delayed. When the time slot has been reached, the programming signal is broadcast, the receiver is activated and the VCR 53 is also activated to record the program. It is quite obvious in this process of programming the VCR with a program preprogrammed by a user that the user input is received, and that the recording reminder signal (i.e., the signal that reminds the programming means when the time slot for the programmed program to be recorded has been reached) is output at the appropriate time based on the user

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input. Otherwise, the programming process would not be properly implemented, and the programming efficiency of Hoff would be severely impaired. It is obvious that the program identification number and program time slot serve to remind the programming means when the time to record the appropriate program has reached ( see col.9, lines 16-45).

Applicant's argument with respect to claims 11-16 are accommodated in the examiner's response to the applicant's argument with respect to claims 1-2,4-10&21 above. It is pertinent to remind the applicant that Fig.2, col.5, line 60 to col.6, line 63 were cited to show that Hoff discloses the claimed carrying one or more programs.

Again, applicant's argument with respect to claims 17,20 and 24 are accommodated in the examiners responses to claims 1-2,4-10&21 and claims 11-16 above. Furthermore, the claimed "instruction" for receiving user input.. is inherent in Hoff .

As discussed above, and with reference to applicant's argument with respect to claim 25, Hoff clearly discloses carrying one or more programs. Each program has its own time slot which is different from any other, in order to avoid any clash in the scheduled time. Therefore, inherently, each one of those different programs has its own user remind-time interval.

Finally, applicant's argument with respect to claims 7,16&20 are accommodated in the examiners responses above. Additionally, it is pertinent to point that Strubbe was applied because Strubbe teaches the claimed method wherein outputting a reminder signal includes outputting a message concerning recording media ( see col.6, lines 25-49 of Strubbe).

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It is very clear that Hoff when combined with Strubbe renders obvious the claimed subject matter of the claimed invention.

The rejections are, therefore, maintained.

*Conclusion*

2. Any inquiry concerning this communication or earlier communications from this examiner should be directed to Christopher Onuaku whose telephone number is (703) 308-7555. The examiner can normally be reached on Tuesday to Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Monday.

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**Or:**

(703) 308-6306 and (703) 308-6296 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of (703) 308-6306 and (703) 308-6296, (for formal communications intended for entry) a general nature or relating to the status of this application should be direct to the Group receptionist whose telephone is (703) 305-4700.

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COO

5/31/00

*W. Parker*  
Wendy Parker  
Supervisory Patent Examiner  
Technology Center 2700